

03-18-02



27123

PATENT TRADEMARK OFFICE

Docket No. 4330-4003US1

Express Mail No. EV062746146US

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03/15/02  
JC678 U.S. PTO

J1050 U.S. PTO  
10/098689  
03/15/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**UTILITY APPLICATION AND FEE TRANSMITTAL §(1.53(b))**

Commissioner for Patents  
Washington, DC 20231

Sir:

Transmitted herewith for filing is the patent application of

Inventor(s) names and addresses:

(1) Alex Mashinsky  
c/o Q Rating  
317 Madison Ave  
New York, NY 10017  
USA

Additional inventors are listed on a separate sheet

For: System and Method for Generating, Monitoring and Reporting Performance Information  
Relating to Data Transmissions

Enclosed Are:

19 page(s) of specification  
1 page(s) of Abstract  
2 page(s) of claims  
3 sheets of  Formal  Informal drawings

\_\_\_\_ page(s) of Declaration and Power of Attorney

Unsigned  
 Newly Executed  
 Copy from prior application  
 Deletion of inventors including Signed Statement under 37 C.F.R. §1.63(d)(2)

**REQUEST AND CERTIFICATION UNDER 35 U.S.C. §122(b)(2)(B)(i) (form PTO/SB/35)**

As indicated on the attached Request and Certification, Applicant(s) certify that the invention disclosed in the attached application HAS NOT and WILL NOT be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. Applicant(s) therefore request(s) that the attached application NOT be published under 35 U.S.C. §122(b).

Incorporation by Reference:

The entire disclosure of the prior application, from which a copy of the combined Declaration and Power of Attorney is supplied herein, is considered as being part of the disclosure of the accompanying application and is incorporated herein by reference.

Deletion of Inventors (37 C.F.R. §1.63(d) and §1.33(b))  
Signed statement attached deleting inventor(s) named in the prior application serial no. \_\_\_\_\_, filed \_\_\_\_\_.

Microfiche Computer Program (Appendix)
 

- page(s) of Sequence Listing
- computer readable disk containing Sequence Listing
- Statement under 37 C.F.R. §1.821(f) that computer and paper copies of the Sequence Listing are the same

Assignment Papers (assignment cover sheet and assignment documents)
 

- A check in the amount of \$40.00 for recording the Assignment
- Charge the Assignment Recordation Fee to Deposit Account No. 13-4500, Order No. \_\_\_\_\_.
- Assignment Papers filed in the parent application Serial No. \_\_\_\_\_.

Certification of chain of title pursuant to 37 C.F.R. §3.73(b)

Priority is claimed under 35 U.S.C. §119 for:  
Application No(s). \_\_\_\_\_, filed \_\_\_\_\_, in \_\_\_\_\_ (country).
 

- Certified Copy of Priority Document(s) [\_\_\_\_\_]
  - filed herewith
  - filed in application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.
- English translation document(s) [\_\_\_\_\_]
  - filed herewith
  - filed in application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.

Priority is claimed under 35 U.S.C. §119(e) for:  
Provisional Application No. 60/276,287, filed 3/15/2001.

Information Disclosure Statement

Copy of cited references

PTO Form-1449

References cited in parent application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.

Related Case Statement under 37 C.F.R. §1.98(a)(2)(iii)

A copy of related pending U.S. Application(s) Serial No(s): \_\_\_\_\_, filed \_\_\_\_\_, respectively, is attached hereto.

A copy of related pending U.S. Application(s) entitled, \_\_\_\_\_, filed \_\_\_\_\_ to inventor(s) \_\_\_\_\_, respectively, is attached hereto.

A copy of each related application(s) was submitted in parent application serial no. \_\_\_\_\_, filed \_\_\_\_\_.

Preliminary Amendment

Return receipt postcard (MPEP 503)

This is a  continuation  divisional  continuation-in-part of International application no. \_\_\_\_\_, filed \_\_\_\_\_, published in English under PCT article 21(2) with an international publication no. \_\_\_\_\_ and is herein incorporated by reference.

Cancel in this application original claims \_\_\_\_\_ of the parent application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

A Preliminary Amendment is enclosed. (Claims added by this Amendment have been properly numbered consecutively beginning with the number following the highest numbered original claim in the prior application).

The status of the parent application is as follows:

A Petition for Extension of Time and a Fee therefor has been or is being filed in the parent application to extend the term for action in the parent application until \_\_\_\_\_.

A copy of the Petition for Extension of Time in the co-pending parent application is attached.

No Petition for Extension of Time and Fee therefor are necessary in the co-pending parent application.

Please abandon the parent application at a time while the parent application is pending or at a time when the petition for extension of time in that application is granted and while this application is pending has been granted a filing date, so as to make this application co-pending.

Transfer the drawing(s) from the parent application to this application

Amend the specification by inserting before the first line the sentence:  
This is  continuation  divisional  continuation-in-part of international application no. \_\_\_, filed \_\_\_, \_\_\_ and is herein incorporated by reference.

## I. CALCULATION OF APPLICATION FEE

	Number Filed	Number Extra	Rate	Basic Fee \$740.00/370.00
Total Claims	4- 20 =	0	\$18.00/ \$9.00	\$ 0.00
Independent Claims	2- 3 =	0	\$84.00/ \$42.00	\$ 0.00
<input type="checkbox"/> Multiple Dependent Claims	If marked, add fee of \$280.00 (\$140.00)			\$ 0.00
				<b>TOTAL:</b> \$ 370.00

Small entity status is or has been claimed. Reduced fees under 37 C.F.R. §1.9 (f) paid herewith  
\$370.00.

A check in the amount of \$ \_\_\_ in payment of the application filing fees is attached.

Charge fee to Deposit Account No. 13-4500, Order No. 4330-4003US1. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

The Commissioner is hereby authorized to charge any additional fees which may be required for filing this application pursuant to 37 CFR §1.16, **including all extension of time fees pursuant to 37 C.F.R. § 1.17 for maintaining copendency** with the parent application, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4330-4003US1. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Dated: March 15, 2002

By:

Respectfully submitted,  
 MORGAN & FINNEGAN, L.L.P.  
  
 Walter G. Hanchuk  
 Registration No. 35,179

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Alex Mashinsky Group Art Unit: TBA  
Examiner: TBA  
Serial No. : TBA  
Filed : March 15, 2002  
For : System and Method for Generating, Monitoring and Reporting Performance Information Relating to Data Transmissions

**EXPRESS MAIL CERTIFICATE**

Express Mail Label No. EV062746146US

Date of Deposit March 15, 2002

I hereby certify that the following attached paper(s) and/or fee Utility Application and Fee Transmittal (enclosing 19 pages specification; 1 page of abstract; 2 pages of claims and 3 sheets of informal drawings (Figs 1-3)); and Return Postcard is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

Vivian Zhang  
(Typed or printed name of person  
mailing paper(s) and/or fee)

(Signature of person mailing  
paper(s) and/or fee)

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Rev. 05/27/98



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